

AMENDED IN ASSEMBLY MAY 2, 2005

CALIFORNIA LEGISLATURE—2005–06 REGULAR SESSION

ASSEMBLY BILL

No. 1314

Introduced by Assembly Member Ridley-Thomas

February 22, 2005

An act to add *and repeal* Section 54963.5 ~~to~~ of the Government Code, relating to neighborhood councils.

LEGISLATIVE COUNSEL'S DIGEST

AB 1314, as amended, Ridley-Thomas. Neighborhood councils: open meetings.

(1) Existing law, the Ralph M. Brown Act, provides that the meetings of legislative bodies of local agencies shall be open and public and all persons shall be permitted to attend, with specified exceptions. *The act requires a local agency to post an agenda with specified information at least 72 hours before a regular meeting.* For this purpose, a local agency includes any commission, committee, board, or other body of a local agency, whether decisionmaking or advisory, that is created by charter, ordinance, resolution, or other formal action of a legislative body.

Various provisions of local agency charters and local ordinances create or authorize neighborhood councils for the general purpose of enabling citizens to join together to discuss issues of local interest and providing a vehicle through which these citizens can communicate with local agencies.

This bill would provide that, *until January 1, 2009*, notwithstanding any other provision of law, the *72-hour notification requirement in the Brown Act* shall not apply to ~~a an organization that is certified as a neighborhood council that is community-based, comprised of volunteers who receive no stipend for service and have no assigned or~~

~~paid staff, is primarily advisory, and has authority over no significant amount of public funds. It also would provide that, notwithstanding the inapplicability of the act, any meeting of a neighborhood council shall be open to the public, any member of the public shall be able to address the council during a meeting on any item within its subject matter jurisdiction, and the council shall be required to post an agenda, as specified in the City of Los Angeles.~~

(2) This bill would state the findings and declarations of the Legislature that, due to unique circumstances applicable to the City of Los Angeles, a statute of general applicability cannot be made applicable.

~~(2)~~

(3) Existing constitutional provisions require that a statute that limits the right of access to the meetings of public bodies or the writings of public officials and agencies be adopted with findings demonstrating the interest protected by the limitation and the need for protecting that interest.

This bill would find that, in order for a neighborhood council that is community-based, comprised of volunteers, is primarily advisory, and has authority over no significant amount of public funds to operate without the costs and burdens associated with compliance of all aspects of the Ralph M. Brown Act, while still being subject to general requirements that its meetings be open to the public, that any member of the public shall be able to address the council, and that it post an agenda of its meetings, it is necessary that the act not apply to a neighborhood council.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 *SECTION 1. The Legislature hereby finds and declares the*
- 2 *following:*
- 3 *(a) A citywide system of neighborhood councils has been*
- 4 *established to promote more citizen participation in government*
- 5 *and to make government more responsive to local needs. These*
- 6 *councils represent many diverse interests within their respective*
- 7 *communities. Council members volunteer their time and*
- 8 *participate in an advisory capacity on issues of concern to the*
- 9 *neighborhood.*

(b) *It is the intent of the Legislature that this act promote citizen participation, and public access and scrutiny, while also limiting barriers to citizen participation, by encouraging the broadest participation in and brightest “sunshine” on, the work of government.*

(c) *It is the further intent of the Legislature that this act strike a balance between the work of neighborhood councils and public notification. Thus, because of the time commitment challenges faced by volunteers to meet the 72-hour agenda posting requirement, this act would exempt neighborhood council committees from that requirement.*

SECTION 1.

SEC. 2. Section 54963.5 is added to the Government Code, to read:

54963.5. (a) ~~Notwithstanding any other provision of law, this chapter shall not apply to a neighborhood council that is community-based, comprised of volunteers who receive no stipend for service and have no assigned or paid staff, is primarily advisory, and has authority over no significant amount of public funds.~~ *a neighborhood council shall not be required to post an agenda as required by Section 54954.2 but shall be required to prepare an agenda, as specified in Section 54954.2, and to comply with all other requirements of Section 54954.2.*

(b) *For purposes of this section, “neighborhood council” is an organization that has been certified as a neighborhood council pursuant to Section 22.809 of Article 2 of Chapter 28 of Division 22 of the Los Angeles Administrative Code.*

(c) *This section shall remain in effect only until January 1, 2009, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2009, deletes or extends that date.*

~~(b) Notwithstanding subdivision (a), any meeting held by a council specified in subdivision (a) shall be open to the public and any member of the public shall be able to address the council during the meeting on any item within the subject matter jurisdiction of the council. Notice of the meeting shall be posted at an appropriate place accessible to the public, at least 72 hours before the time set for the meeting. The notice shall specify the date, time, and location of the meeting and contain an agenda describing each item of business to be discussed or acted upon.~~

1 The council shall not take any action on any item of business
2 unless that item appeared on the posted agenda or unless the
3 council members present, by unanimous vote, find that there is a
4 need to take immediate action and that the need for action came
5 to the attention of the council subsequent to the posting of the
6 agenda. If a council violates the procedural meeting requirements
7 of this section and upon demand of any person, the council or
8 committee shall reconsider the item at its next meeting, after
9 allowing for public input on the item.

10 *SEC. 3. The Legislature finds and declares that, due to the*
11 *unique circumstances applicable to the City of Los Angeles*
12 *relating to its size and population, a statute of general*
13 *applicability cannot be made applicable within the meaning of*
14 *subdivision (b) of Section 16 of Article IV of the California*
15 *Constitution.*

16 ~~SEC. 2:~~

17 *SEC. 4.* The Legislature finds and declares that Section 1 of
18 this act, which adds Section 54963.5 to the Government Code,
19 imposes a limitation on the public's right of access to the
20 meetings of public bodies or the writings of public officials and
21 agencies within the meaning of Section 3 of Article I of the
22 California Constitution. Pursuant to that constitutional provision,
23 the Legislature makes the following findings to demonstrate the
24 interest protected by this limitation and the need for protecting
25 that interest.

26 In order for a neighborhood council that is community-based,
27 comprised of volunteers, is primarily advisory, and has authority
28 over no significant amount of public funds to operate without the
29 costs and burdens associated with compliance of all aspects of
30 the Ralph M. Brown Act, while still being subject to general
31 requirements that its meetings be open to the public, that any
32 member of the public be able to address the council, and that it
33 post an agenda of its meetings, it is necessary that Ralph M.
34 Brown Act not apply to a neighborhood council.